

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION**

|   |   |               |
|---|---|---------------|
| <b>Jonathan R., minor, by Next Friend, Sarah<br/>DIXON, <i>et al.</i>,</b>                        | ) |               |
|   | ) |               |
|   | ) |               |
|   | ) |               |
| Plaintiffs,   | ) | Class Action  |
|   | ) | 3:19-cv-00710 |
| v.  | ) |               |
|   | ) |               |
| <b>Jim JUSTICE, in his official capacity as the<br/>Governor of West Virginia, <i>et al.</i>,</b> | ) |               |
|   | ) |               |
|   | ) |               |
| Defendants.   | ) |               |

**[PROPOSED] ORDER**

On October 24, 2023, Plaintiffs filed their Motion for Sanctions. Having considered Plaintiffs’ Motion, any responses thereto filed by Defendants, and any replies thereto filed by Plaintiffs, the Court finds that the Motion should be granted.

**IT IS HEREBY ORDERED:**

1. Plaintiffs’ Motion for Sanctions is GRANTED in its entirety;
2. Plaintiffs have established the deliberate indifference element of their substantive due process claims against Defendants West Virginia Department of Health and Human Resources (“DHHR”), Bill Crouch, Linda Watts, and these individual Defendants’ successors;
3. Defendants are precluded from moving for summary judgment on the deliberate indifference element of Plaintiffs’ substantive due process claims against Defendants DHHR, Bill Crouch, Linda Watts, and these individual Defendants’ successors;

4. Defendants are precluded from arguing that the deleted emails would have shown that Defendants DHHR, Bill Crouch, Linda Watts, and these individual Defendants' successors did not act with deliberate indifference.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE JOSEPH R. GOODWIN  
U.S. District Judge